

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JAMES CHEN  
Serial No.: 09/905,777  
Filed: July 13, 2001  
For: *NONINVASIVE VASCULAR THERAPY*  
Art Unit: 1614  
Examiner: Unassigned

TRANSMITTAL LETTER

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Sir:

Transmitted herewith via hand delivery are a Supplemental Information Disclosure Statement, Form PTO-1449 (5 pages) and cited references for filing in connection with the above-identified application. Because this Information Disclosure Statement is filed prior to receipt of a first Office Action on the merits in the above-referenced application, no fee is due. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account Number 50-1213, as stated below:

- (X) The Commissioner is hereby authorized to charge the fee for the Information Disclosure Statement and any other fees that may be due under 37 C.F.R. §§1.16-1.17 in connection with this paper or with this application during its entire dependency to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:

Stephanie L. Seidman  
Registration No. 33,779

**Date: April 03, 2002**

Attorney Docket No.: 25886-0057

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: JAMES CHEN  
Serial No.: 09/905,777  
Filed: July 13, 2001  
For: *NONINVASIVE VASCULAR THERAPY*  
Confirmation No.: 5738  
Art Unit: 1614  
Examiner: Unassigned

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE  
WITH 37 C.F.R. §§ 1.97-1.98**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Since this Supplemental Information Disclosure Statement is filed before the receipt of a first Office Action on the merits for the above-captioned application, no filing fee is due. If it is determined that a fee is due, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. The Forms PTO-1449 (5 pages) and cited references are provided herewith.

The documents listed on the Forms PTO-1449 and supplied herewith are in the English language. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

**U.S.S.N. 09/905,777**

**CHEN**

**Supplemental Information Disclosure Statement**

Applicant also makes known to the Office the following U.S. and International applications, which are commonly owned and/or have one or more inventors in common with the instant application.

| <u>U.S.S.N.(App. no.)</u> | <u>Filing Date</u> | <u>Docket No.</u> | <u>Status</u>                              |
|---------------------------|--------------------|-------------------|--|
| 09/592,150                | 06/12/00           | 0049              | Pending                                    |
| 60/289,750                | 05/09/02           | P0051             | Pending                                    |
| 60/351,460                | 01/23/02           | P0052             | Pending                                    |
| 09/232,129                | 01/15/99           | 0054              | Pending                                    |
| 09/271,575                | 03/18/99           | 0055              | Pending                                    |
| 09/905,501                | 07/13/01           | 0055B             | Pending                                    |
| 09/905,405                | 07/13/01           | 0060              | Pending                                    |
| 09/386,692                | 08/31/99           | 0061              | Pending                                    |
| 09/760,362                | 01/12/01           | 0062              | Pending                                    |
| 09/798,277                | 03/02/01           | 0066              | Converted to<br>provisional on<br>02/26/02 |
| Not Available             | 03/04/02           | 0066B             | Pending                                    |
| 09/078,329                | 05/13/98           | CHEN0061          | Pending                                    |
| 09/150,821                | 09/11/98           | CHEN0079          | Pending                                    |
| 09/597,931                | 06/19/00           | CHEN0131          | Pending                                    |
| 09/644,253                | 08/22/00           | CHEN0132          | Pending                                    |
| <u>Int'l Patent No.</u>   | <u>Filing Date</u> | <u>Docket No.</u> | <u>Status</u>                              |
| PCT/US00/33052            | 12/05/00           | CHEM0155          | Pending                                    |

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

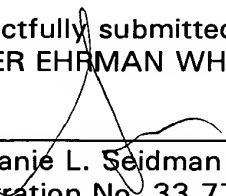
**U.S.S.N. 09/905,777**

**CHEN**

**Supplemental Information Disclosure Statement**

Applicant respectfully requests that the Examiner review the foregoing references and information and that they be made of record in the file history of the above-captioned application.

Respectfully submitted,  
HELLER EHRMAN WHITE & MCAULIFFE LLP

By:   
Stephanie L. Seidman  
Registration No. 33,779

**Dated: April 3, 2002**

Attorney Docket No. 25886-0057

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|--------------------------|--------------------------------|--------------------------|
| FORM PTO-1449 (Modified) | ATTY. DOCKET NO.<br>25886-0057 | SERIAL NO.<br>09/905,777 |
|                          | APPLICANT<br>JAMES CHEN        |                          |
|                          | FILING DATE<br>July 13, 2001   | GROUP<br>1614            |

LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENT

PATENT DOCUMENTS

| EXAMINER<br>INITIAL |   | DOCUMENT NUMBER |    |    |    |   |   |   | DATE           | NAME                  | CLASS | SUB<br>CLASS | FILING<br>DATE |
|---------------------|---|-----------------|----|----|----|---|---|---|----------------|-----------------------|-------|--------------|----------------|
|                     | A | 20              | 02 | 00 | 10 | 5 | 0 | 0 | A1<br>01/24/02 | Chen                  | 607   | 89           | 06/24/98       |
|                     | B | 20              | 01 | 00 | 46 | 9 | 8 | 3 | A1<br>11/29/01 | Pandey <i>et al.</i>  | 514   | 185          | 12/18/00       |
|                     | C | 20              | 01 | 00 | 49 | 5 | 0 | 2 | A1<br>12/06/01 | Chen                  | 604   | 167.06       | 11/25/98       |
|                     | D | 5               | 4  | 4  | 5  | 6 | 0 | 8 | 08/29/95       | Chen <i>et al.</i>    | 604   | 20           | 08/16/93       |
|                     | E | 5               | 4  | 8  | 4  | 7 | 7 | 8 | 01/16/96       | Kenney <i>et al.</i>  | 514   | 63           | 09/02/93       |
|                     | F | 5               | 5  | 1  | 4  | 6 | 6 | 9 | 05/07/96       | Selman                | 514   | 63           | 09/29/93       |
|                     | G | 5               | 5  | 7  | 1  | 1 | 5 | 2 | 11/05/96       | Chen <i>et al.</i>    | 607   | 92           | 05/26/95       |
|                     | H | 5               | 7  | 0  | 2  | 4 | 3 | 2 | 12/30/97       | Chen <i>et al.</i>    | 607   | 88           | 10/03/96       |
|                     | I | 5               | 7  | 1  | 5  | 8 | 3 | 7 | 02/10/98       | Chen                  | 128   | 899          | 08/29/96       |
|                     | J | 5               | 7  | 3  | 6  | 5 | 6 | 3 | 04/07/98       | Richter               | 514   | 410          | 11/08/95       |
|                     | K | 5               | 7  | 4  | 1  | 3 | 1 | 6 | 04/21/98       | Chen <i>et al.</i>    | 607   | 61           | 12/02/96       |
|                     | L | 5               | 7  | 6  | 6  | 2 | 3 | 4 | 06/16/98       | Chen <i>et al.</i>    | 607   | 92           | 04/16/96       |
|                     | M | 5               | 7  | 8  | 2  | 8 | 9 | 6 | 07/21/98       | Chen <i>et al.</i>    | 607   | 88           | 01/29/97       |
|                     | N | 5               | 8  | 0  | 0  | 4 | 7 | 8 | 09/01/98       | Chen <i>et al.</i>    | 607   | 88           | 03/07/96       |
|                     | O | 5               | 8  | 0  | 7  | 8 | 8 | 1 | 09/15/98       | Leong <i>et al.</i>   | 514   | 410          | 09/22/94       |
|                     | P | 5               | 8  | 1  | 4  | 0 | 0 | 8 | 09/29/98       | Chen <i>et al.</i>    | 604   | 21           | 07/29/96       |
|                     | Q | 5               | 8  | 1  | 7  | 0 | 4 | 8 | 10/06/98       | Lawandy               | 604   | 20           | 03/30/97       |
|                     | R | 5               | 8  | 2  | 7  | 1 | 8 | 6 | 10/27/98       | Chen <i>et al.</i>    | 600   | 407          | 04/11/97       |
|                     | S | 5               | 8  | 6  | 5  | 8 | 4 | 0 | 02/02/99       | Chen                  | 607   | 92           | 10/22/97       |
|                     | T | 5               | 8  | 7  | 6  | 4 | 2 | 7 | 03/02/99       | Chen <i>et al.</i>    | 607   | 88           | 01/29/97       |
|                     | U | 5               | 8  | 8  | 2  | 3 | 2 | 8 | 03/16/99       | Levy <i>et al.</i>    | 604   | 20           | 12/02/96       |
|                     | V | 5               | 9  | 1  | 3  | 8 | 8 | 4 | 06/22/99       | Trauner <i>et al.</i> | 607   | 88           | 10/31/96       |
|                     | W | 5               | 9  | 2  | 1  | 2 | 4 | 4 | 07/13/99       | Chen <i>et al.</i>    | 128   | 897          | 06/11/97       |

EXAMINER

/Karen A. Canella, Ph.D./

DATE CONSIDERED

06/10/2010

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Title: **NONINVASIVE VASCULAR THERAPY**

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /KAC/

|                          |                                |                          |
|--------------------------|--------------------------------|--------------------------|
| FORM PTO-1449 (Modified) | ATTY. DOCKET NO.<br>25886-0057 | SERIAL NO.<br>09/905,777 |
|                          | APPLICANT<br>JAMES CHEN        |                          |
|                          | FILING DATE<br>July 13, 2001   | GROUP<br>1614            |

LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENT

PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT NUMBER |   |   |   |   |   |   | DATE           | NAME                  | CLASS | SUB<br>CLASS | FILING<br>DATE |
|---------------------|----|-----------------|---|---|---|---|---|---|----------------|-----------------------|-------|--------------|----------------|
|                     | X  | 5               | 9 | 4 | 2 | 5 | 3 | 4 | 08/24/99       | Trauner <i>et al.</i> | 514   | 410          | 10/10/97       |
|                     | Y  | 5               | 9 | 4 | 5 | 7 | 6 | 2 | 08/31/99       | Chen <i>et al.</i>    | 310   | 171          | 02/10/98       |
|                     | Z  | 5               | 9 | 5 | 7 | 9 | 6 | 0 | 09/28/99       | Chen <i>et al.</i>    | 607   | 92           | 05/05/97       |
|                     | AA | 5               | 9 | 9 | 7 | 5 | 6 | 9 | 12/07/99       | Chen <i>et al.</i>    | 607   | 88           | 01/29/97       |
|                     | AB | 5               | 9 | 9 | 7 | 8 | 4 | 2 | 12/07/99       | Chen                  | 424   | 1.29         | 04/13/98       |
|                     | AC | 6               | 0 | 8 | 0 | 1 | 6 | 0 | 06/27/00       | Chen <i>et al.</i>    | 606   | 72           | 12/04/96       |
|                     | AD | 6               | 0 | 8 | 3 | 4 | 8 | 5 | 07/04/00       | Licha <i>et al.</i>   | 424   | 9.6          | 11/07/97       |
|                     | AE | 6               | 0 | 9 | 2 | 5 | 3 | 1 | 07/25/00       | Chen <i>et al.</i>    | 128   | 899          | 06/03/99       |
|                     | AF | 6               | 0 | 9 | 6 | 0 | 6 | 6 | 08/01/00       | Chen <i>et al.</i>    | 607   | 88           | 09/11/98       |
|                     | AG | 6               | 1 | 0 | 0 | 2 | 9 | 0 | 08/08/00       | Levy <i>et al.</i>    | 514   | 410          | 09/14/98       |
|                     | AH | 6               | 1 | 0 | 7 | 3 | 2 | 5 | 08/22/00       | Chan <i>et al.</i>    | 514   | 410          | 05/18/98       |
|                     | AI | 6               | 1 | 3 | 8 | 6 | 8 | 1 | 10/31/00       | Chen <i>et al.</i>    | 128   | 899          | 10/13/97       |
|                     | AJ | 6               | 2 | 1 | 0 | 4 | 2 | 5 | B1<br>04/03/01 | Chen                  | 607   | 88           | 07/08/99       |
|                     | AK | 6               | 2 | 3 | 8 | 4 | 2 | 6 | B1<br>05/29/01 | Chen                  | 607   | 88           | 07/19/99       |
|                     | AL | 6               | 2 | 7 | 3 | 9 | 0 | 4 | B1<br>08/14/01 | Chen <i>et al.</i>    | 607   | 88           | 03/02/99       |
|                     | AM | 6               | 2 | 9 | 7 | 2 | 2 | 8 | 10/02/01       | Clark <i>et al.</i>   | 514   | 177          | 12/02/99       |
|                     | AN | 6               | 3 | 1 | 9 | 2 | 7 | 3 | B1<br>11/20/01 | Chen <i>et al.</i>    | 607   | 88           | 12/16/99       |
|                     | AO | 6               | 3 | 3 | 1 | 7 | 4 | 4 | B1<br>12/18/01 | Chen <i>et al.</i>    | 310   | 171          | 04/11/00       |
|                     | AP | 6               | 3 | 4 | 4 | 0 | 5 | 0 | 02/05/02       | Chen                  | 607   | 88           | 12/21/98       |

FOREIGN PATENT DOCUMENTS

| AQ | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB<br>CLASS | Translation<br>Yes No |
|----|-----------------|------|---------|-------|--------------|-----------------------|
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EXAMINER /Karen A. Canella, Ph.D./ DATE CONSIDERED 06/10/2010

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Title: **NONINVASIVE VASCULAR THERAPY**

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /KAC/

FORM PTO-1449 (Modified)

ATTY. DOCKET NO.  
25886-0057SERIAL NO.  
09/905,777LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENTAPPLICANT  
JAMES CHENFILING DATE  
July 13, 2001GROUP  
1614

|  |    |   |   |   |   |   |   |   |          |     |  |  |  |  |
|--|----|---|---|---|---|---|---|---|----------|-----|--|--|--|--|
|  | AR | 0 | 0 | 1 | 5 | 2 | 9 | 6 | 03/23/00 | PCT |  |  |  |  |
|  | AS | 0 | 0 | 3 | 6 | 9 | 8 | 3 | 06/29/00 | PCT |  |  |  |  |
|  | AT | 0 | 0 | 4 | 1 | 7 | 2 | 5 | 07/20/00 | PCT |  |  |  |  |
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|  | BB | 0 | 6 | 7 | 4 | 2 | 5 | 1 | 12/12/96 | AU  |  |  |  |  |
|  | BC | 0 | 6 | 9 | 4 | 8 | 6 | 8 | 07/30/98 | AU  |  |  |  |  |
|  | BD | 0 | 7 | 0 | 8 | 4 | 1 | 0 | 08/05/99 | AU  |  |  |  |  |
|  | BE | 0 | 7 | 1 | 3 | 2 | 2 | 7 | 11/25/99 | AU  |  |  |  |  |
|  | BF | 0 | 7 | 2 | 0 | 8 | 1 | 5 | 06/15/00 | AU  |  |  |  |  |
|  | BG | 0 | 7 | 2 | 1 | 8 | 5 | 7 | 07/13/00 | AU  |  |  |  |  |
|  | BH | 9 | 7 | 3 | 2 | 5 | 2 | 0 | 09/12/97 | PCT |  |  |  |  |
|  | BI | 9 | 8 | 0 | 6 | 4 | 5 | 6 | 02/19/98 | PCT |  |  |  |  |
|  | BJ | 9 | 8 | 0 | 8 | 5 | 6 | 5 | 03/05/98 | PCT |  |  |  |  |
|  | BK | 9 | 8 | 1 | 4 | 2 | 4 | 3 | 04/09/98 | PCT |  |  |  |  |
|  | BL | 9 | 8 | 2 | 4 | 3 | 7 | 1 | 06/11/98 | PCT |  |  |  |  |
|  | BM | 9 | 8 | 2 | 4 | 5 | 1 | 0 | 06/11/98 | PCT |  |  |  |  |
|  | BN | 9 | 8 | 3 | 2 | 4 | 9 | 1 | 07/30/98 | PCT |  |  |  |  |
|  | BO | 9 | 8 | 3 | 2 | 4 | 9 | 2 | 07/30/98 | PCT |  |  |  |  |
|  | BP | 9 | 8 | 3 | 2 | 4 | 9 | 3 | 07/30/98 | PCT |  |  |  |  |
|  | BQ | 9 | 8 | 4 | 6 | 1 | 3 | 0 | 10/22/98 | PCT |  |  |  |  |
|  | BR | 9 | 8 | 5 | 0 | 0 | 3 | 4 | 11/12/98 | PCT |  |  |  |  |

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## LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

|  |    |   |   |   |   |   |   |   |          |     |  |  |  |  |
|--|----|---|---|---|---|---|---|---|----------|-----|--|--|--|--|
|  | BS | 9 | 8 | 5 | 6 | 3 | 0 | 2 | 12/17/98 | PCT |  |  |  |  |
|  | BT | 9 | 9 | 0 | 3 | 5 | 0 | 3 | 01/28/99 | PCT |  |  |  |  |
|  | BU | 9 | 9 | 1 | 8 | 8 | 7 | 9 | 04/22/99 | PCT |  |  |  |  |
|  | BV | 9 | 9 | 2 | 0 | 3 | 4 | 6 | 04/29/99 | PCT |  |  |  |  |
|  | BW | 9 | 9 | 3 | 9 | 7 | 6 | 9 | 08/12/99 | PCT |  |  |  |  |
|  | BX | 9 | 9 | 5 | 2 | 5 | 6 | 5 | 10/21/99 | PCT |  |  |  |  |
|  | BY | 9 | 9 | 5 | 8 | 1 | 4 | 9 | 11/18/99 | PCT |  |  |  |  |
|  | BZ | 9 | 9 | 6 | 6 | 9 | 8 | 8 | 12/29/99 | PCT |  |  |  |  |

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

|    |   |
|----|---|
| CA | Ciulla <i>et al.</i> , "Changing therapeutic paradigms for exudative age-related macular degeneration: antiangiogenic agents and photodynamic therapy", <i>Exp. Opin. Invest. Drugs</i> , <u>8(12)</u> :2173-2182 (1999)  |
| CB | Dillon <i>et al.</i> , "In Vitro and In Vivo Protection Against Phototoxic Side Effects of Photodynamic Therapy by Radioprotective Agents WR-2721 and WR-77913", <i>Photochem. Photobiol.</i> , <u>48(2)</u> :235-238 (1988)                                    |
| CC | Dimitroff <i>et al.</i> , "Anti-angiogenic activity of selected receptor tyrosine kinase inhibitors, PD166285 and PD173074: Implications for combination treatment with photodynamic therapy", <i>Investigational New Drugs</i> , <u>17</u> :121-135 (1999)     |
| CD | Ferrario <i>et al.</i> , "Antiangiogenic Treatment Enhances Photodynamic Therapy Responsiveness in a Mouse Mammary Carcinoma", <i>Cancer Research</i> , <u>60</u> :4066-4069 (2000)   |
| CE | Fisher, W.G. <i>et al.</i> "Simultaneous Two-Photon Activation of Type-1 Photodynamic Therapy Agents," <i>Photochem. Photobiol.</i> , <u>66(2)</u> :141-155 (1997)  |
| CF | McMillan <i>et al.</i> , "Tumor growth inhibition and regression induced by photothermal vascular targeting and angiogenesis inhibitor retinoic acid", <i>Cancer Lett.</i> , <u>137</u> :35-44 (1999)   |
| CG | Mew <i>et al.</i> , "Photoimmunotherapy: Treatment of animal Tumors with Tumor-Specific Monoclonal Antibody-Hematoporphyrin Conjugates", <i>J. Immunol.</i> , <u>130(3)</u> :1473-1477 (1983)   |
| CH | Renno <i>et al.</i> , "Photodynamic Therapy Using Lu-Tex Induces Apoptosis In Vitro, and Its Effect is Potentiated by Angiostatin in Retinal Capillary Endothelial Cells", <i>Investigative Ophthalmol. &amp; Visual Sci.</i> , <u>41(12)</u> :3963-3971 (2000) |

|                                       |                               |
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|   | FILING DATE<br>July 13, 2001   | GROUP<br>1614            |

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

|    |  |
|----|--|
| CI | Ruebner, A. <i>et al.</i> "Carrier Systems in PDT II: Accumulation Strategies of Biotin-Avidin Coupled Photosensitizers Developed On Cultured Tumor Cells," <i>SPIE</i> , <u>2625</u> :328-32 (1996) |
| CJ | Savitsky, A.P. <i>et al.</i> "Avidin-Biotin System for Targeting Delivery of Photosensitizers and Other Cytotoxic Agents Into Malignant Tissues," <i>SPIE</i> , <u>3191</u> : 343-53 (1997)          |
| CK | Sigsestad, C.P. <i>et al.</i> "Chemical Modification of Normal Tissue Damage Induced by Photodynamic Therapy," <i>Brit. J. Cancer</i> <u>74</u> (Suppl.37):S89-92 (1996)                             |

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /KAC/

|                                    |                            |
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| EXAMINER /Karen A. Canella, Ph.D./ | DATE CONSIDERED 06/10/2010 |
|------------------------------------|----------------------------|

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Title: **NONINVASIVE VASCULAR THERAPY**